IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

**O R D E R**

Manish Kumar. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. petition No. 969/2005
against the order dated 11-8-2005 passed
by the Judl. Magistrate No.2, Sri Ganganagar
in Criminal Misc. Case No. 236/2005.

...

Date of Order: July 14, 2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R. PANWAR**

Mr. Trilok Joshi, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. M.K. Garg, for the non-petitioner No.2.

**BY THE COURT:**

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has assailed the order dated 11-8-2005 passed by the Judicial Magistrate No.2, Sri Ganganagar (for short, "the trial Court" hereinafter) in Criminal Misc. Case No. 236/2005, whereby the trial Court granted a sum of Rs. 1000/- as interim maintenance in favour of the non-petitioner No.2 on an application under Section 125 of the Code during pendency of the main application.

Heard learned counsel for the parties and the order

impugned.

The impugned order granting interim maintenance is at the interim stage. The parties are yet to led the evidence and establish their respective case. At this stage, only the pleadings of the parties are on record. The non-petitioner has specifically pleaded that the petitioner is holder of degree of B.Ed., and duly qualified teacher serving in Bharat Model School, Ward No.8, Raisinghnagar as a permanent employee and his salary is Rs.5000/- per month. This fact has not been disputed by the petitioner. In view of the aforesaid facts, the order granting interim maintenance does not call for any interference. It cannot be said that the impugned order would result in manifest injustice or abuse of process of any Court.

The criminal miscellaneous petition is dismissed. The stay petition also stands dismissed. However, the trial Court is directed to finally dispose of the application under Section 125 of the Code utmost expeditiously.

(H.R. PANWAR), J.

mcs